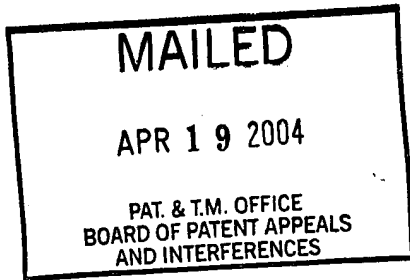


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MASAO FUKUDA  
and  
MICHIMIRO KUBO

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Application No. 09/372,009

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ORDER RETURNING TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on April 5, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed January 19, 2000 (Paper No. 8). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

In addition, section 707.08 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 1, Feb. 2003) states:

707.08 Reviewing and Initialing by Assistant Examiner

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action. . . .

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials . . . .

The Examiner's Answer mailed November 4, 2003 (Paper No. 39) is deficient in that there is no signature or initials for Chris Harmon. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the  
Examiner:

1. for consideration of the IDS filed January 19, 2000  
(Paper No. 8);
2. for taking corrective action regarding the  
signature for Chris Harmon; and
3. for written notification to appellants regarding  
the action taken; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

KIMBERLY JORDAN  
Program and Resource Administrator  
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KJ/psb/dm  
ra040444